

City of *Elgin*

P.O. Box 128
Elgin, Oregon 97827
180 N. 8th
voice/fax 541 437-2253
elgin1@eoni.com

February 16, 2006

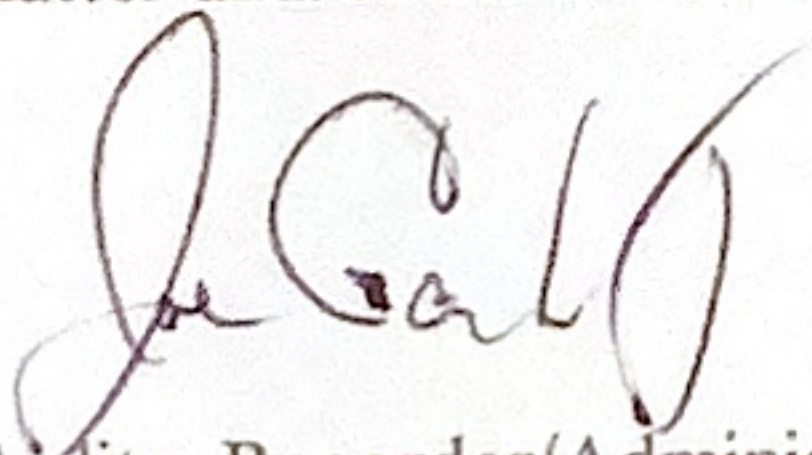
R. Nellie Bogue Hibbert
Union County Clerk
1100 "L" Avenue;
La Grande, OR 97850

by Fax 963-1079

Dear Nellie,

As the City of Elgin Election Officer I am submitting a letter delivered to my office from Jerry Harris an Elgin resident. Mr. Harris is alleging that petition sheet #3 of the Recall of Joe Garlitz was not, at least in part, witnessed by Eva Breshears as stated in the Circulator's Certification. His protest is specific to the signature (line 2) of Rob Ahlbrandt, 1060 Alder St.

I realize that this is an awkward situation since I am also the subject of the recall. Please attend to this matter and/or advise me as to the proper action.



Joe Garlitz, Recorder/Administrator

2-16-06

Joe Gartzitz

I Wont TO Protest the name
of a Rob Ahlbrandt on page #3
of Petition for Recall

I Was Present At the time he
Signed the petition and Eva Marie
Breshears was not There

He was handed The petition by
a City employee

This happened on 1-20-06 in
the napa store in elgin, and I
will testify if need be.

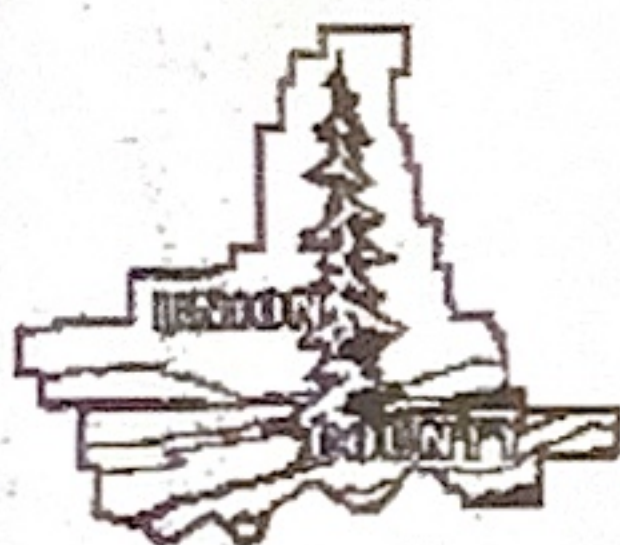
Jerry Harris

Jerry Harris

786-2688

P.O. Box 661

Elgin, OR



- UNION COUNTY -
County Clerk
R. Nellie Bogue Hibbert

1001 4th Street, Suite D, La Grange, Oregon 97850
www.union-county.org r.hibbert@union-county.org

Phone (541) 963-1006
Fax (541) 963-1013
Voting Information
1-866-ORE-VOTES
(1-866-673-8683)

TTY 1-800-735-1232
English/Spanish

February 21, 2006

Joe Garlitz, Recorder/Administrator
City of Elgin
P O Box 128
Elgin OR 97827

RE: Potential Election Violation

Dear Mr. Garlitz:

I am in receipt of your letter dated February 21, 2006, wherein you state your concerns regarding the circulator's certification on the petition sheets for the Recall of Joe Garlitz.

Having consulted with the Secretary of State's office, I am advised that the potential election violation is not sufficient to stop the "Recall Election". The Secretary of State's office will conduct an investigation. If there is sufficient evidence of a violation, they will turn the case over to the Attorney General's office for further investigation and potential prosecution.

Because this is a matter that will be under investigation, it must remain confidential.

Sincerely,

R. Nellie Bogue Hibbert
Union County Clerk

mbh

cc: Norma Buckno
Secretary of State's Office

City of *Elgin*

P.O. Box 128
Elgin, Oregon 97827
180 N. 8th
voice/fax 541 437-2253
elgin1@eoni.com

February 21, 2006

FAKED 963-1013-
mailed -

Nellie Bogue Hibbert, Union County Clerk,
1001 4th Street, suite D
La Grande, OR 97850

Dear Mrs. Hibbert,

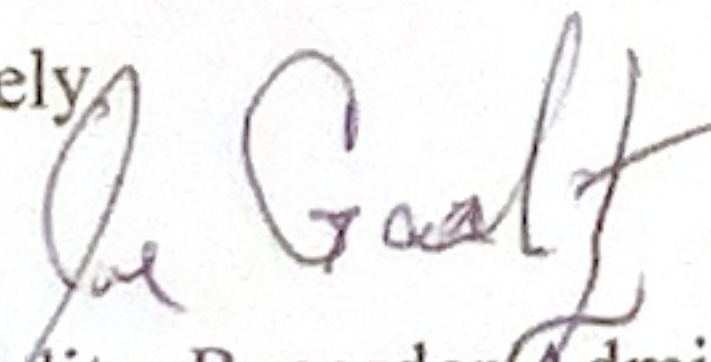
As the City of Elgin election officer, I am writing with a concern regarding the circulator's certification on the petition sheets in the recall of Joe Garlitz, Recorder/Administrator. The certification statement on all of the 17 sheets submitted for the recall was signed by Mrs. Breshears.

It has come to my attention that Mrs. Breshears did not witness all of these signatures contrary to the certification signature on the petition sheets presented. I have been informed that there were at least three persons circulating the recall signature sheets. These were Eva Breshears, Dan Breshears and Andy Campo.

As the election officer of the City, I feel I am obligated to notify you of this matter. However, it must also be understood that I am the subject of this recall. This cause an inherent conflict of interest for me.

Please process this matter as is appropriate to the circumstances involved.

Sincerely,


Joe Garlitz, Recorder/Administrator



TTY 1-800-735-1232
English/Spanish

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County Clerk
R. Nellie Bogue Hibbert

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Voting Information
1-866-ORE-VOTES
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February 21, 2006

Joe Garlitz, Recorder/Administrator
City of Elgin
P O Box 128
Elgin OR 97827

RE: Potential Election Violation

Dear Mr. Garlitz:

I am in receipt of your letter dated February 21, 2006, wherein you state your concerns regarding the circulator's certification on the petition sheets for the Recall of Joe Garlitz.

Having consulted with the Secretary of State's office, I am advised that the potential election violation is not sufficient to stop the "Recall Election". The Secretary of State's office will conduct an investigation. If there is sufficient evidence of a violation, they will turn the case over to the Attorney General's office for further investigation and potential prosecution.

Because this is a matter that will be under investigation, it must remain confidential.

Sincerely,

R. Nellie Bogue Hibbert
Union County Clerk

rn timer

cc: Norma Buckno
Secretary of State's Office

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS—(503) 986-1518

February 23, 2006

Joe Garlitz,
City Recorder/Administrator
City of Elgin
PO Box 128
Elgin, OR 97827

Dear Mr. Garlitz:

This is to acknowledge receipt of your letter of complaint in this office on February 21, 2006. Your letter was forwarded to us by Union County. Specifically, your complaint relates to the certification statements on petition sheets in a recall petition against you, signed by Ms. Eva Breshears. It is alleged that although Mr. Breshears signed the circulator's certification attesting that she was in the presence of all of the signers on the petition when they signed, she in fact did not witness all the signatures involved on the 17 petition signature sheets. The election law involved in this allegation is ORS 260.715(1).

We will further review this complaint as soon as possible. The investigation and case file will be confidential until the case is closed due to the nature of the allegations and the election law(s) involved.

We note that neither the Secretary of State nor the County Clerk is authorized by state law to void the recall election in this situation. Possible criminal election law penalties provided in election law are possible criminal penalties against the person who violated the election law. ORS 260.995. In order to overturn election results, it is necessary for an eligible party to prevail in an election contest filed in the circuit court. ORS 258.006 to 258.085. A contest of the election must be commenced not later than the 40th day after the election. A copy of this office's memorandum, *2006 Election Law Summary for Candidate's, PACs and Others*, is enclosed for your information as it includes further information about these election laws.

You will be notified when a final determination has been made or if additional information is needed. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Norma J. Buckno". The signature is written in a cursive, flowing style.

Norma J. Buckno
Compliance Specialist

c: Union County

Case no. 2006-038

City of *Elgin*

P.O. Box 128
Elgin, Oregon 97827
180 N. 8th
voice/fax 541 437-2253
elgin1@eoni.com

March 1, 2006

Norma Buckno, Compliance Specialist
Elections Division
141 State Capitol
Salem, OR 97310

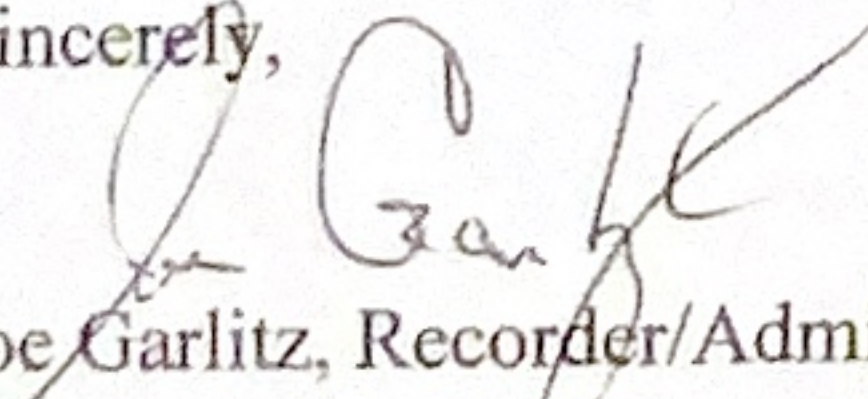
Dear Ms. Buckno,

I am in receipt of your letter of February 23 regarding my complaint of the certification signatures on a recall petition. Please note that I am not requesting any review or protest of the election or its pending results.

My sole purpose in submitting the complaint is due to my position as elections officer of the City of Elgin and not as a result of being the subject of this recall. The complaint regarding the certification of signatures was brought to my attention, rather forcefully. Thus I felt it was necessary for me to address the matter to the proper authority.

Again, I am not requesting any challenge to the election or its pending results. Thank you for your response in this matter.

Sincerely,


Joe Garlitz, Recorder/Administrator